

Karen E. Ford Esq.
SW Ocean Ave & Mission, Suite 208
P.O. Box 287
Carmel-by-the-Sea, California 93921-0287
831-250-6433
Fax 831-250-6844
karen@fordslaw.com
SBN 88358
Attorney for Plaintiff Peter Siegel

**United States District Court
Northern District of California**

Peter Siegel,

Plaintiff,

vs.

Hewlett-Packard Company,

Defendant

)
) Case No: 5:12-cv-03787 HRL
)

) **DECLARATION OF COUNSEL ISO**
) **STIPULATION TO EXTEND DEADLINE**
) **FOR RESPONSE TO MOTION FOR**
) **SUMMARY JUDGEMENT**
)
)

Plaintiff bases the stipulated request for extension of the deadline for response to the pending Motion for Summary Judgment on the following:

Declaration of Counsel in Support of Stipulation to Extend MSJ Opposition Deadline

1. I, Karen E. Ford, am the counsel for Plaintiff Peter Siegel. I make the following declaration under penalty of perjury in support of the instant Stipulation and Proposed Order to Extend Deadline for Response to Motion for Summary Judgment.

2. Plaintiff requests this continuance because counsel received important discovery responses to be relied on in the response after 3 PM on August 5, 2013, the day before the response is due. Plaintiff has consistently taken the position that he is unable to properly respond to the Motion for Summary Judgment because he has not been able to obtain necessary discovery. On July 25, 2013 lead counsel for both parties met to discuss outstanding discovery issues. In that meeting Counsel for HP suggested that the depositions Plaintiff seeks prior to

1 filing the opposition could be, at least in part, replaced by admissions as to facts and authenticity
2 of documents. Accordingly, without waiving his position as to the need for the depositions,
3 Plaintiff served Requests for Admissions on Defendant Hewlett Packard on July 29, 2013. In the
4 meeting and via e mail Plaintiff requested response by Friday August 2, 2013 so that the
5 response could be used in support of the Opposition to be filed on the following Tuesday, August
6 6, 2013. Attached hereto as Exhibit A is a true and correct copy of an e mail from the
7 undersigned to counsel for HP on Friday August 2, 2013 asking about the responses and
8 reiterating the agreement as to a Friday response date. However, HP did not to provide a
9 response until just after 3:00 PM on Monday August 5, 2013. Attached hereto as Exhibit B is a
10 true and correct copy of the cover e-mail from Ms. Riechert attaching the response to the
11 Request for Admissions.

12 3. The proposed extension is intended to give the Plaintiff the adequate opportunity
13 to revise his Opposition incorporating the discovery responses served yesterday. As an attorney,
14 I have no clerical or support staff. Accordingly, I have to make all revisions and edits to the
15 Opposition to the MSJ myself. At the same time I have other clients and matters and so cannot
16 devote every hour of the day to this matter. In addition, my client, Peter Siegel lives and works
17 in the UK so I must consult with him long distance and over an eight hour time difference. The
18 response to the request for admissions will result in substantial revisions to his declaration in
19 support of the Opposition. The fact that the discovery response was received only yesterday
20 afternoon has made it impossible to respond by the original deadline. The harm or prejudice that
21 would result if the Court does not grant the requested extension is that Plaintiff will be
22 disadvantaged in responding to the Motion for Summary Judgment. Further, both parties and the
23 Court will potentially be disadvantaged as summary judgment should not properly be granted
24 until discovery can be incorporated in the Opposition and considered by the Court.

25 4. To date none of the deadlines set by the Case Management Order in this matter
26 have been continued.

27 5. The discovery cutoff in this matter is currently set for August 13, 2013 and the
28 last day for hearing dispositive motions is October 8, 2013.

6. As the undersigned, I hereby declare under penalty of perjury that the content of the forgoing 6 numbered paragraphs is true and correct to the best of my knowledge.

Dated this 6th _day of August, 2013

/s/
Karen E. Ford Esq.
Attorney for Plaintiff

EXHIBIT A

Karen E. Ford

From: Karen E. Ford [karen@fordslaw.com]
Sent: Friday, August 02, 2013 12:36 PM
To: 'Riechert, Melinda S.'
Cc: 'Warner, Adelmise Rosemé'
Subject: Siegel v HP

In our meeting you agreed to respond to requests for admissions which I served early this week. When can I expect responses as they are necessary for the opposition to the MSJ. I really need them this week as receiving them on Monday or Tuesday is not helpful for a Tuesday filing. Please let me know what to expect.

Karen E. Ford, ESQ

831-250-6433 cell 303-478-5103

karen@fordslaw.com

EXHIBIT B

Karen E. Ford

From: Riechert, Melinda S. [mrieichert@morganlewis.com]
Sent: Monday, August 05, 2013 3:05 PM
To: karen@fordslaw.com
Cc: Jensen, Rebecca Licht; Warner, Adelmise Rosemé; Semans, Desirée A.
Subject: Siegel: Response to RFAs
Attachments: (24281551)_(1)_HP_SIE HP_s Responses to Plaintiff_s RFAs, Set One.PDF

Karen

See attached.

Melinda S. Riechert

Morgan, Lewis & Bockius LLP

Two Palo Alto Square, 3000 El Camino Real, Suite 700 | Palo Alto, CA 94306

Direct: 650.843.7530 | Main: 650.843.4000 | Fax: 650.843.4001

mrieichert@morganlewis.com | www.morganlewis.com

Assistant: Desirée A. Semans | 650.843.7807 | dsemans@morganlewis.com

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